

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

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2005 SEP 15 A 10:06

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

ISRAEL Gutierrez (1)
Full name and prison number
of plaintiff(s)

v.

Judge Bright and
LT. from 21 Jump Street and
Montgomery County Detention
Facility

Name of person(s) who violated
your constitutional rights.
(List the names of all the
persons.)

CIVIL ACTION NO. 2:05CV883-D
(To be supplied by Clerk of
U.S. District Court)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES () NO (✓)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES () NO (✓)
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket number _____
4. Name of judge to whom case was assigned _____
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____
6. Approximate date of filing lawsuit _____
7. Approximate date of disposition _____

II. PLACE OF PRESENT CONFINEMENT MONTGOMERY COUNTY
DENTON TOW CENTER

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED IN THE DISTRICT
COURT FOR MONTGOMERY COUNTY ALA.

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME

ADDRESS

1. Judge BRIGAT DISTRICT COURT, Montgomery.
2. Lutnant of 21 Jump Street - Montgomery County
3. _____
4. _____
5. _____
6. _____

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED MAY 05-2005
MARCH 31 2005

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: When 21 Jump Street entered the barbershop on
March 31, 2005 There were more than 20 people present, I was
only Hispanic in the shop yet I was the first one arrested
along with the owner and his employee. I asked why I was being
arrested and was told "for Marijuana Trafficking". I asked
them where the Marijuana was. I never saw any Marijuana

2d

never smelled any Marijuana, never had any Marijuana in my possession. When they took me to 21 Jump Street they read me my MIRANDA RIGHTS, I asked for an attorney at that time, They told me they would give me one at my "First Call" whatever that means, but they continued to ask me questions. I asked for an attorney again, four times, the people arrested were all given a \$10,000 Bond, except for me, I was given a \$200,000 Bond because the District Attorney said I was a risk to flee to Mexico. I am a 45 year old Disabled American Veteran, never lived in Mexico and never will. I've never been in trouble with the law. The Marijuana was found locked in the office. The keys to the office were found in the owners pocket. I had no knowledge of any thing in the office, let alone any Marijuana. My wife is fixing to lose the house because I have been incarcerated for 6 months and have been unable to provide for her and my children.

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

When 21 Jump Street came in the barbershop
I was the first in hand cuffs because I am
Hispanic. I believe I am a victim of Racial Profiling.
Persons arrested were given a \$1,000 Bond yet I
was given a \$200,000 Bond. Where's the fairness.

GROUND TWO: The first time Judge Bright saw me she
said "Has INS Been Informed" (Racially Profiling)

SUPPORTING FACTS: _____

I was told by the D.A. it would take at least
10 more months to try and indict me, but if I make
Bond they can indict me real quick. Where's the
fairness in that?

GROUND THREE: I translate for Hispanic prisoners yet
every time I am asked to translate the guards

SUPPORTING FACTS: always ask - How long have you
been in the United States? They Racially
Profile me.


VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

I Just want a Fair Bond and a Fair and
Speedy trial


Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true
and correct.

EXECUTED on 9-13-2005.
(Date)


Signature of plaintiff(s)

1324 East San Marcelo Boulevard
Brownsville, Texas 78526
May 4, 2005

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

To Whom It May Concern:

I am writing to ask that you consider reducing the bond of Israel Gutierrez. His family's financial circumstances make it impossible for them to pay the current bond. He is greatly needed at home to help care for his young children. His wife also is expecting another child.

I was surprised to learn of the charge against Mr. Gutierrez. I met him last year after he suggested that the Brownsville Society for the Prevention of Cruelty to Animals, an organization of which I was president at the time, sponsor a dart tournament to raise money to help needy animals. An accomplished dart player himself, Mr. Gutierrez advised us on how to organize the tournament. He even gave notice to a network of dart players to participate in the event. This event, the Claws and Paws Dart Tournament, held in February 2004 was the most successful fundraiser the BSPCA has ever had. We could have not done it without the assistance of Mr. Gutierrez. He asked nothing of the organization in return for his assistance.

During the time we worked together on the dart tournament, I learned of Mr. Gutierrez's difficult childhood. I thought it was remarkable that he could overcome it enough to make a better life for himself and to care enough to help others in need, even the animals. Please consider the goodness in this man in making your determination of his bail. Call me at 956-542-4693 if you have any questions. Thank you so much.

Sincerely,

Lavice Laney
Lavice Laney

4/13/05

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TO WHOM IT MAY CONCERN

SUBJECT: ISRAEL GUITERREZ

MR GUITERREZ WAS EMPLOYED BY
WHEEL MFG CO OF DALLAS TX FOR
POSITION OF WAREHOUSE MAN AT OUR
BROWNSVILLE, TX UNIT.

HE WAS A GOOD EMPLOYEE IN THAT
POSITION, HARD WORKING, HONEST &
ALWAYS ON TIME FOR HIS JOB.

MY POSITION WAS ALSO WITH WHEEL AS
PLANT MAN OVER BROWNSVILLE &
MATA MOORS MEXICO MFG WITH EMPLOYEE
COUNT OF APPROX 1000-1100 WORKERS.

I HAVE KNOWN MR GUITERREZ FOR
APPROXIMATELY 15 YEARS. HE IS A
GOOD FAMILY MAN. I RESPECT HIM AS A
MAN WHO WILL HELP YOU IN TIME
OF NEED.

IF I CAN ANSWER ANY QUESTIONS IN
REGARD TO HIM, PLEASE FEEL FREE TO
CALL AT 956-542-4947

With Regards

M. Thomas

From the desk of **Marvin Miller**
PO Box 1801
Los Fresnos, Texas 78566
956/831-4803

Date

To Whom it may concern:

I am writing this letter on behalf of my friend and neighbor Mr Israel Gutierrez. Israel and his family moved to the house next to me 3 years ago and they have been very good neighbors. I was very surprised when I learned of the situation Israel is in because I have never known him to be anything but a kind, caring man who loves to help his neighbors. He has 4 children who he dearly loves and they are model students in school. I know that Israel has many friends in the law enforcement community and he has donated his time and services to help organizations such as the Humane Society and SPCA. I hope and pray that this situation will be resolved soon so that Mr Gutierrez can return home to his family.

Sincerely,
Marvin Miller

April 21, 2005

To Whom it May Concern:

In the ten years I have known Israel Gutierrez I have been impressed with his dedication to any endeavor he has been involved with. Israel demonstrates a giving and generous nature in his free time. He is a member of the Humane Society and the SPCA and takes time to help out others in their time of need. He has a very caring and giving personality. He is a devoted husband, father, and friend. He has held many family gatherings at his home and has welcomed everyone with open arms and food. Israel has on many occasions, throughout our ten year friendship, proven time and time again to be a reliable person in a time of need. He has taken care of my children and I wholly trust him with the care and supervision of my children. On another note, Israel is again expecting his fifth child and should be home.

I hope you will give serious consideration when reviewing Israel's case.

Sincerely,

Juana Lynn Martinez

1920 Hirsch Avenue SE

Albuquerque, NM 87116

Paralegal/ 505-243-3500